



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 01 2015

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Ms. Nicole Cohn
Drinker, Biddle & Reath
105 College Road E
Princeton, New Jersey 08542

Subject: Freedom of Information Act (FOIA) request – EPA-HQ-2015_009562

Dear Ms. Cohn,

This is in response to the above-referenced Freedom of Information Act (FOIA) request dated August 4, 2015. You requested, "Copies of all communications to or from DuPont, its counsel or representatives concerning the transfer of liability for remediation at certain Superfund sites from DuPont to Chemours, a spinoff from DuPont."

The Office of Site Remediation (OSRE) is granting, in part, your FOIA request. Please see the attached non-exempted records. OSRE is also denying, in part, your FOIA request because we are unable to provide you with certain records or portions of certain records that have been identified as confidential business information (CBI), trade secrets or commercial or financial information, which is exempted from disclosure under 5 U.S.C. 552(b)(4). Pursuant to 40 C.F.R. 2.204(d)(1), your request for information claimed as CBI is being initially denied under Exemption 4 because further inquiry by EPA is required before a final determination can be made. OSRE will consult with the third party in connection with their business confidentiality claims covering these records and make a recommendation to the Office of General Counsel (OGC). OGC will issue a final confidentiality determination. Because this FOIA request is categorized as a "commercial use request," you will be charged fees associated with this confidentiality determination.

Please respond within 10 calendar days to confirm your continued interest in receiving a final confidentiality determination on the Exemption 4 withheld information. After you confirm your continued interest, EPA will provide you with a fee estimate if the confidentiality determination fee estimate is greater than \$25.00, and you will be requested to provide a written assurance of payment, pursuant to 40 C.F.R. § 2.107(e). If EPA does not receive a timely confirmation, then EPA will consider your request for the Exemption 4 information to be voluntarily withdrawn and close this file.

As noted above, the information withheld under Exemption 4 will be sent to OGC to issue a final confidentiality determination. Therefore, you do not need to appeal the information withheld pursuant to Exemption 4. Once OGC issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential

treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only) or E-mail::hg.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOIA number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Please contact Antoinette Powell Dickson of my staff if you have any questions at (202) 564-5136.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Patterson", followed by a long horizontal flourish.

Kenneth W. Patterson, Director
Regional Support Division
Office of Site Remediation Enforcement
Office of Enforcement and Compliance Assurance

Attachment:

OSRE FOIA 2015 2015-009562-PDF Responsive Records_Redacted.pdf